

SPECIAL CITY COUNCIL MEETING
JULY 21, 1986

PRESENT

Ruth Hansen	Mayor
Gayle Bunker	Council Member
David Church	Council Member
Neil Dutson	Council Member
Craig Greathouse	Council Member

ABSENT

Don Dafoe	Council Member
Dorothy Jeffery	City Recorder

OTHERS PRESENT

Jim Allan	City Manager
Warren Peterson	City Attorney
Virginia Taylor	City Clerk
Susan Callister	Assistant Recorder
Clay Black	Plaza Lanes
Robert Pendray	Plaza Lanes
Jessie Petersen	Plaza Lanes
Sherm Petersen	Plaza Lanes
Jim Robson	Curley's Lounge

Mayor Ruth Hansen called the meeting to order at 5:05 p.m. Virginia Taylor, City Clerk, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

Mayor Hansen stated that the purpose of the meeting was for the committee appointed at the July 7, 1986, regular City Council meeting to consider amendments to Delta City ordinance relating to the sale and consumption of beer.

Mayor Hansen suggested that a chairman be appointed to lead the discussion. Council Member Craig Greathouse MOVED that Council Member Gayle Bunker be appointed as committee chairman. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously. Mayor Hansen then appointed Council Member Gayle Bunker as Chairman and requested that he conduct the meeting.

Mr. Bunker asked for any comments or questions from those in attendance. Jim Robson asked Mr. Bunker to identify the problem existing at the Plaza Lanes. Mr. Bunker explained that Plaza Lanes/Plaza Pub has been in violation of Section 9-432.M of the Revised Ordinances of Delta City (1981 edition), as amended, in that persons under the age of twenty-one (21) years have been allowed to be present in a room or part of the building within the licensed premises within which alcoholic beverages are served or being consumed and in which coin operated amusement devices (video games) are operated or are available for operation.

Mr. Pendray said that they want to operate their establishment as they have been doing in the past. He said they have done what he feels is a good job to control their own establishment.

Attorney Peterson explained that if there is not a manager present or someone controlling an establishment there is an enforcement problem. He said enforceability should be considered in any amendments to the ordinance.

Jessie Peteren, Plaza Lanes Manager, said that there is an adult supervisor present at the lanes at all times providing constant observation and control over the video games.

Mr. Pendray asked to that he be able to operate his establishment as he has been doing until it is proven that they cannot handle themselves.

Council Members David Church, Neil Dutson, and Craig Greathouse expressed their concerns regarding minors being present where beer is being sold and consumed.

Attorney Peterson explained that this ordinance is intended to keep minors and beer separated. He suggested that if the ordinance is amended, it should say that the establishment is liable if an underage person has been or is consuming alcohol on business premises where there is alcohol being sold and consumed.

Attorney Peterson said that the ordinance could state that there is to be no beer at all in an entertainment establishment in which underage people are present or the ordinance could state that underage persons can be present in any entertainment establishment where alcohol is present, except as prohibited by state law.

Clay Black said that it is difficult to classify forms of entertainment. There was discussion regarding types of entertainment such as video games pool tables bowling, and live entertainment.

Mr. Peterson said that what he is advocating, is that the management has to be responsible for enforcement, too. If they are creating the entertainment source that attracts minors and beer is sold and consumed at that entertainment source, the business management should be liable to see that the minors and

the beer don't mix. Mr. Pendray said that is what they have been doing and would like to be able to continue to do so. There was an extended discussion on this concept with comments from Jim Robson and from each of the Council Members present.

Attorney Peterson recommended that a separate license be issued for the sale of beer for the Plaza Pub, and a separate business license be issued for the Plaza Lanes.

Council Member Craig Greathouse MOVED to instruct Attorney Peterson to prepare an ordinance amending the ordinance to prohibit alcoholic beverages where live entertainment and persons under the age of consumption are present in licensed premises and that would repeal the restrictions regarding the presence of pool tables and coin operated amusement machines where there is alcohol and persons under the age of consumption be repeated, also provide that the management licensee is liable for any underage consumption on the premises.

Council Member Neil Dutson SECONDED the motion. Chairman Gayle Bunker asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. the motion passed unanimously.

Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Craig Greathouse. Mayor Hansen declared the meeting adjourned at 6:10 p.m.


RUTH HANSEN, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 8-04-86